

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

SUPPLEMENT MANUFACTURING
PARTNER, INC. d/b/a SMP NUTRA,

Plaintiff,

v.

WILLIAM CARTWRIGHT,

Defendant.

Civil Action No. 2:23-cv-06585-JMA-AYS

**DECLARATION OF ALEX G. PATCHEN IN OPPOSITION TO
PLAINTIFF’S MOTION TO HOLD DEFENDANT IN CONTEMPT**

I, Alex G. Patchen, Esq., declare as follows under penalty of perjury pursuant to 28 U.S.C. § 1746 that:

1. I am an attorney at law and partner with the firm Liston Abramson LLP, attorneys for Defendant William Cartwright in the above-referenced action. I submit this declaration in opposition to the motion for contempt (the “Motion” or “Mot.”) filed by Plaintiff Supplement Manufacturing Partner, Inc. d/b/a SMP Nutra (“SMP Nutra”).

2. Attached hereto as **Exhibit 1** is a true and correct copy of the website of Lexitas, the parent company of Registered Agent Solutions, Inc., regarding its acquisition of Allstate Corporate Services, publicly available at <https://www.lexitaslegal.com/news/rasi-acquires-allstate-corporate-services>, last visited on February 15, 2024.

3. Attached hereto as **Exhibit 2** is a true and correct copy of W3Techs’s website regarding “Usage Statistics and Market Share of Content Management Systems, February 2024,” publicly available at https://w3techs.com/technologies/overview/content_management, last visited on February 15, 2024.

4. Attached hereto as **Exhibit 3** is a true and correct copy of WordPress’s website regarding “Plugins,” publicly available at <https://wordpress.com/plugins>, last visited on February 15, 2024.

5. Attached hereto as **Exhibit 4** is a true and correct copy of WordPress’s website regarding “Search Engine Optimization Plugins,” publicly available at <https://wordpress.com/plugins/browse/seo>, last visited on February 15, 2024.

6. Attached hereto as **Exhibit 5** is a true and correct copy of WordPress’s website regarding “Ecommerce & Business Plugins,” publicly available at <https://wordpress.com/plugins/browse/ecommerce>, last visited on February 15, 2024.

7. Attached hereto as **Exhibit 6** is a true and correct copy of W3Techs’s website regarding “WooCommerce and the power of the WordPress ecosystem,” publicly available at https://w3techs.com/blog/entry/woocommerce_and_the_power_of_the_wordpress_ecosystem, last visited on February 15, 2024.

8. Attached hereto as **Exhibit 7** is a true and correct copy of W3Techs’s website regarding “Usage Statistics and Market Share of WooCommerce,” publicly available at <https://w3techs.com/technologies/details/cm-woocommerce>, last visited on February 15, 2024.

9. Attached hereto as **Exhibit 8** is a true and correct copy of HostingAdvice.com’s website regarding the “20 Largest Domain Registrars in the World (Feb. 2024),” publicly available at <https://www.hostingadvice.com/how-to/largest-domain-registrars/>, last visited on February 15, 2024.

10. Attached hereto as **Exhibit 9** is a true and correct copy of PCMag’s website regarding the “The Best CRM Software for 2024,” publicly available at <https://www.pcmag.com/picks/the-best-crm-software>, last visited on February 15, 2024.

11. On January 24, 2024, the day after SMP Nutra filed its Motion, I sent a letter to SMP Nutra's counsel informing them that the allegations therein were baseless. Specifically, I informed SMP Nutra that Mr. Cartwright did not have any interest in Top Tier and was not involved in any of Top Tier's alleged actions, and that Mr. Cartwright did not provide Top Tier, Mr. Zorn, or Mr. Simon any SMP Nutra proprietary information, including but not limited to SMP Nutra's customer lists, vendor lists and price lists.

I declare under penalty of perjury that the foregoing is true and correct.

DATED this 15th day of February, 2024 at Rye Brook, New York.

/s/ Alex G. Patchen
Alex G. Patchen